

**IN THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OKLAHOMA**

1. ONB BANK AND TRUST)
 COMPANY, an Oklahoma Corporation,)
)
 Plaintiff,)
)
 v.)
)
 1. PHOENIX LIFE INSURANCE)
 COMPANY, a New York life insurance)
 company,)
 2. PHOENIX LIFE AND ANNUITY)
 COMPANY, a Connecticut life insurance)
 company,)
)
 Defendants.)

Case No. 12-CV-389-GKF-FHM
 Base File

**AGREED ORDER DISMISSING ONB BANK AND TRUST COMPANY’S CLAIMS
AGAINST PHOENIX LIFE AND ANNUITY COMPANY WITHOUT PREJUDICE**

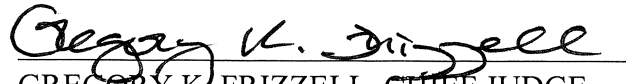
Before this Court is the Agreed Motion to Dismiss ONB Bank and Trust Company’s (“ONB”) Claims Against Phoenix Life and Annuity Company (“PLAC”) Without Prejudice (Dkt. # 27) (the “Motion”). Having considered the Motion and taking into account that it is agreed upon, the Court is of the opinion that the Motion should be IN ALL THINGS GRANTED.

IT IS THEREFORE ORDERED that the Agreed Motion to Dismiss ONB Bank and Trust Company’s Claims Against Phoenix Life and Annuity Company Without Prejudice is GRANTED. The claims asserted, or which could have been asserted, in this matter by ONB against PLAC are hereby DISMISSED WITHOUT PREJUDICE.

IT IS FURTHER ORDERED that all claims asserted, or which could have been asserted, in this matter by and between ONB and Amy Inman (“Inman”) and the pending interpleader action by and between PLAC, ONB and Inman shall not be affected by this Order.

SO ORDERED.

Signed on September 27, 2012


GREGORY K. FRIZZELL, CHIEF JUDGE
UNITED STATES DISTRICT COURT

AGREED AND ENTRY REQUESTED:

By: /s/Garry M. Gaskins
(signed by submitting attorney with permission)
Gentner F. Drummond, OBA #16645
Garry M. Gaskins, II, OBA #20212
Drummond Law Firm, PLLC
1500 South Utica, Suite 400
Tulsa, Oklahoma 74104-6522
(918) 749-7378-Phone
(918) 749-7869-Facsimile

ATTORNEYS FOR ONB BANK AND TRUST COMPANY

By: /s/Christopher B. Woods
Christopher B. Woods OBA #18881
Elliot Anderson OBA #21098
Crowe and Dunlevy
A Professional Corporation
500 Kennedy Building
321 South Boston Avenue
Tulsa, OK 74103-3313
(918) 592-9800 (Main)
(918) 592-9801 (Facsimile)

Thomas F. A. Hetherington OBA # 30791
Edison, McDowell & Hetherington LLP
Phoenix Tower
3200 Southwest Freeway
Suite 2100
Houston, Texas 77027
Telephone: (713) 337-5580
Facsimile: (713) 337-8850
thomas.hetherington@emhllp.com

ATTORNEYS FOR PHOENIX LIFE AND ANNUITY
COMPANY

